



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 8, 2010

Mr. Robert Rush

Redacted

RE: FPPC File No. 10/971; Business & Community Political Action Committee of the Newport Beach Chamber of Commerce; Rudy Baron, Treasurer

Dear Mr. Rush:

This letter is to notify you that the Enforcement Division of the Fair Political Practices Commission (the "Commission") will investigate the allegation(s), under the jurisdiction of the Commission, of the sworn complaint you submitted in the above-referenced matter. You will next receive notification from us upon final disposition of the case. However, please be advised that at this time we have not made any determination about the validity of the allegation(s) you have made or about the culpability, if any, of the person(s) you identify in your complaint.

Thank you for taking the time to bring this matter to our attention.

Sincerely,

Redacted

Roman G. Porter
Executive Director

RGP/jt

cc: Mr. Rudy Baron

SWORN COMPLAINT FORM

(Form May Be Subject to Public Disclosure)*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission. **This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.**

Mail the complaint to: **Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814**

Person Making Complaint

Last name: Rush

First Name: Robert

Street Address: Redacted

City: _____ State: _____

Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

***IMPORTANT NOTICE**

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the persons(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC (916-322-5660 or toll free at 866-ASK-FPPC) and discuss the complaint with an Enforcement Division attorney.

10 OCT 28 PM 12:26
RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

COMPLAINT
#2

Complaint

Person or Persons who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Business & Community Political Action Committee (BACPAC)

First Name: of the Newport Beach Chamber of Commerce

Street Address: c/o Rudy Baron

City: _____ State: _____

Zip: _____ - _____

Telephone: _____

Fax: (?) _____ - _____

E-mail: _____

Provision or Provisions of the Political Reform Act Allegedly Violated: (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

Violation # 1 - Government Code Section # 84506.5

Communications Identifying Candidates: An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate.

The political flyer mailed and in question, contained no such State Law required markings, leading to the question: Did Rush Hill or Leslie Daigle authorize such flyer and its mailing ?

Violation # 2 - Government Code Section # 84211

Contents of Campaign Statements

Failure to disclose printing costs for attached mailed flyer. BACPAC reports \$2,834.36 in postage. They do not disclose the cost of printing, identity of vendor or proper payment code.

The absence of this information begs the question - Did the BACPAC pay for this printing or was paid by The Newport Beach Chamber of Commerce and buried in their operating budget which is, in part, subsidized by The City of Newport Beach via taxpayer based funds? Either way, it is a violation of the Fair Political Practices Act.

Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred**

** The mailed flyer, copy attached, was received in my mailbox on or about October 15, 2010.

** I have also attached here a copy of the Business & Community Political Action Committee (BACPAC) "Recipient Committee Campaign Statement - CA Form 460" for the applicable period wherein on Page 5/5 it clearly shows occurrence/expenditure for the postage of the related mailed flyer, however, it does not show the actual printing - which lead me to Violation # 2, as explained above. The "Recipient Committee Campaign Statement - CA Form 460" for the prior period is also included in the event ~~by~~ FPPC case manager wants to examine that one as well.

Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). **Note that a newspaper article is NOT considered evidence of a violation.

Name and Addresses of Potential Witnesses, in addition to yourself, if Known:

Last Name: unknown - but the flyer was sent all over Newport Beach

First Name: _____

Street Address: _____

City: _____ State: _____

Zip: _____ - _____

Telephone: (____) _____ - _____

Fax: (____) _____ - _____

E-mail: _____

COMPLAINT
#2

Last Name: unknown - but the flyer was sent all over Newport Beach

First Name: _____

Street Address: _____

City: _____ State: _____

Zip: _____ - _____

Telephone: (____) _____ - _____

Fax: (____) _____ - _____

E-mail: _____

Last Name: unknown - but the flyer was sent all over Newport Beach

First Name: _____

Street Address: _____

City: _____ State: _____

Zip: _____ - _____

Telephone: (____) _____ - _____

Fax: (____) _____ - _____

E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Redacted

(Signature)

10 - 27 - 10
(Date)

ROBERT L. RUSH
(Please print your name)

Measure V

**The Newport Beach Chamber of Commerce
SUPPORTS the first comprehensive update to
the City's Charter in over 50 years.**

- Eliminates City's taxing authority.
- Prohibits offshore drilling and consolidates onshore drilling operations
- Authorizes updates to City's Civil Service System.
- Updates City's Charter to be consistent with current Federal and State law.
- Updates standards for awarding of Public Works contracts and limitations on leased land.

Proposition 19: "Oppose"

Allows people 21 years old or older to possess, cultivate, or transport marijuana for personal use. Permits local governments to regulate and tax commercial production and sale of marijuana to people 21 years old or older. Prohibits people from possessing marijuana on school grounds, using it in public, smoking it while minors are present, or providing it to anyone under 21 years old. Maintains current prohibitions against driving while impaired.

Proposition 20: "SUPPORT"

Removes elected representatives from the process of establishing congressional districts and transfers that authority to the recently-authorized 14-member redistricting commission. Redistricting commission is comprised of five Democrats, five Republicans, and four voters registered with neither party. Requires that any newly-proposed district lines be approved by nine commissioners including three Democrats, three Republicans, and three from neither party.

Proposition 21: "Oppose"

Establishes an \$18 annual state vehicle license surcharge and grants free admission to all state parks to surcharged vehicles. Requires deposit of surcharge revenue to a new trust fund. Requires that trust funds be used exclusively to operate, maintain and repair the state park system, and to protect wildlife and natural resources. Exempts commercial vehicles, trailers and trailer coaches from the surcharge. Requires annual independent audit and review by citizen's oversight committee.

Proposition 22: "SUPPORT"

Prohibits the State from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services. Prohibits the State from delaying the distribution of tax revenues for these purposes even when the Governor deems it necessary due to a severe state fiscal hardship.

Proposition 23: "SUPPORT"

Suspends State Laws requiring reduced greenhouse gas emissions that cause global warming, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters. Requires State to abandon implementation of comprehensive greenhouse-gas-reduction program that includes increased renewable energy and cleaner fuel requirements, and mandatory emission reporting and fee requirements for major pollutants such as power plants and oil refineries, until suspension is lifted.

Proposition 24: "Oppose"

Repeals recent legislation that would allow businesses to shift operating losses to prior tax years and that would extend the period permitted to shift operating losses to future tax years. Repeals recent legislation that would allow corporations to share tax credits with affiliated corporations.

Proposition 25: "Oppose"

Changes the legislative vote requirement necessary to pass the budget from two-thirds to a simple majority. Provides that if the Legislature fails to pass a budget bill by June 1st, all members of the Legislature will permanently forfeit any reimbursement for salary and expenses for every day until the day the Legislature passes a budget bill.

Proposition 26: "SUPPORT"

Increases legislative vote requirement to two-thirds for state levies and charges, with limited exceptions, and for certain taxes currently subject to majority vote. Changes Constitution to require voters to approve, either by two-thirds or majority, local levies and charges with limited exceptions.

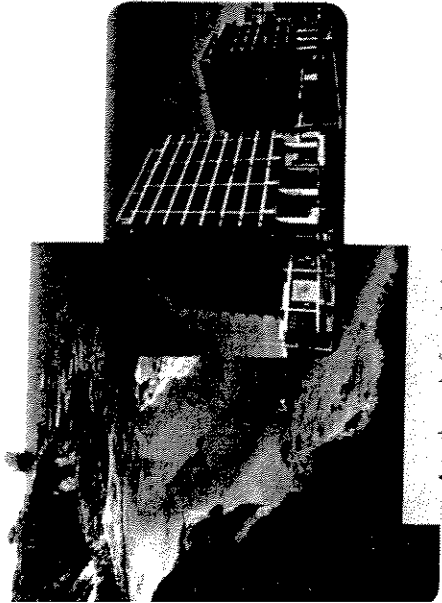
Proposition 27: "OPPOSE"

Eliminates 14-member redistricting commission selected from applicant pool picked by government auditors. Consolidates authority for redistricting with Legislature. Requires population of all districts for the same office to be exactly the same.



Read for my class, (Boutwell and Cummings) visited Agony: Can-
 (more) of the Newborn Branch Chapter of Commerce, ID #821756

COMPLAINT



A thousands of voters head to the polls in November, the Newport Beach Chamber of Commerce encourages the community to vote in favor of economic stability for our local economy.

After extensive review, the Chamber's Board of Directors has taken positions on local and statewide ballot measures. It is our hope that this information will help guide voters through the lengthy, and often complicated, propositions that will impact our business and residential communities.

In addition, the Business and Community Political Action Committee of the Newport Beach Chamber of Commerce (BACPAC) has endorsed four City Council candidates. After conducting interviews, BACPAC has identified the candidates whose views and ideology would best represent the business and residential communities.

The Newport Beach Chamber of Commerce is proud to serve as the leading business advocate for area businesses. We remain steadfast in our efforts to shape a business and residential community where companies of all sizes will prosper, and our quality of life will remain unparalleled.

With the overwhelming number of local and statewide measures on the ballot this year, we are pleased to assist you in making an educated decision. Please voice your opinion at the polls on November 2, 2010.

Richard R. Luens, President & CEO
Newport Beach Chamber of Commerce

Exercise Your Right to Vote on November 2, 2010

THE NEWPORT BEACH CHAMBER OF COMMERCE ENDORSES THESE CITY COUNCIL CANDIDATES



District 1
Michael Hens



District 3
Rob Hill



District 6
Nancy Gardner



District 4
Leslie Daigle



NEWPORT BEACH
CHAMBER OF COMMERCE
The Business and Community Resource

1470 Jamboree Road • Newport Beach, CA 92660
Ph: (949) 729-4400 • Fax: (949) 729-4417 • www.newportbeach.com

PRESORTED STD
U.S. POSTAGE
PAID
Santa Ana, CA
Permit No. 3

Newport Beach Chamber of Commerce
1470 Jamboree Road
Newport Beach, CA 92660

Important Voter Information from the Newport Beach Chamber of Commerce

"The mission of the Newport Beach Chamber of Commerce is to promote economic opportunity through business and community leadership and to enhance the social and civic involvement of Newport Beach."